

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA *ex rel.* D.R.
O'HARA and D.R. O'HARA, individually,

CASE NO. C15-1527-JCC

Plaintiffs,

v.

THE BOEING COMPANY and INSTITU,
INC.,

Defendants.

This matter comes before the Court on the Government's *ex parte* notice of intervention-in-part and application for an unsealing of Relator's complaint (Dkt. No. 36). According to the Government's filing, the Government, Defendants, and Relator have concluded a final settlement to resolve the claims in this action. (Dkt. No. 36 at 1.) The Government intends to intervene in part for the purpose of settlement and requests that the Court unseal Relator's complaint, the Government's *ex parte* notice of intervention-in-part and application for an unsealing of Relator's complaint, and all subsequent filings. (*Id.* at 2.)

The False Claims Act provides that a *qui tam* complaint must be filed under seal while the United States decides whether to intervene, *see* 31 U.S.C. § 3730(b)(2), but it clearly contemplates that after the United States makes a decision, the seal will be lifted, *see id.* § 3730(b)(3). Generally, the Court unseals the entire record unless the Government shows that

1 such disclosure would (1) reveal confidential investigative methods or techniques, (2) jeopardize
2 an ongoing investigation, or (3) harm non-parties. *See, e.g., United States ex rel. Lee v. Horizon*
3 *W., Inc.*, 2006 WL 305966, slip op. at 2 (N.D. Cal. 2006).

4 Accordingly, the Court GRANTS the Government's application (Dkt. No. 36) and
5 respectfully DIRECTS the Clerk to lift the seal on Relator's complaint (Dkt. No. 1), the
6 Government's notice and application (Dkt. No. 36), and all subsequent filings. The Court also
7 ORDERS the Government and any other interested parties to show cause within thirty (30) days
8 from the date of this Order why the remainder of the record should not also be unsealed.

9 DATED this 12th day of January 2021.

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A handwritten signature in black ink, reading "John C. Coughenour", is written over a horizontal line.

John C. Coughenour
UNITED STATES DISTRICT JUDGE